

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

FIFTH LEGISLATIVE DAY
FRIDAY, JANUARY 11, 2008

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Broadsword, Little, and Lodge, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Jordan Lierz, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Little was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 10, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Broadsword and Lodge were recorded present at this order of business.

January 11, 2008

The JUDICIARY AND RULES Committee reports that **S 1246**, **S 1247**, **S 1248**, **S 1249**, and **SCR 122** have been correctly printed.

DARRINGTON, Chairman

S 1246, **S 1247**, and **S 1248** were referred to the Judiciary and Rules Committee.

S 1249 was referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, **SCR 122** was referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1250 **BY COMMERCE AND HUMAN RESOURCES** **COMMITTEE**

AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1315, IDAHO CODE, TO REVISE THE DEFINITION OF "COVERED EMPLOYER" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 72-1316, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 72-1351, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS, TO REMOVE CERTAIN PROVISIONS PROVIDING FOR WHEN THE TRANSFER OF THE PREDECESSOR'S EXPERIENCE RATING ACCOUNT IS MANDATORY AND TO REMOVE A PROVISION PROVIDING WHEN TRANSFERS MUST BE BASED ON ESTIMATES OF THE ALLOCABLE PAYROLLS; AMENDING SECTION 72-1351A, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS, TO REMOVE A PROVISION PROVIDING FOR THE TRANSFER OF THE EXPERIENCE RATING WHEN A COVERED EMPLOYER MAKES CERTAIN TRANSFERS TO ANOTHER COVERED EMPLOYER, TO PROVIDE FOR THE TRANSFER OF THE EXPERIENCE RATING WHEN A COVERED EMPLOYER MAKES CERTAIN TRANSFERS TO ANOTHER EMPLOYER, WHETHER OR NOT THE EMPLOYER IS A COVERED EMPLOYER PURSUANT TO IDAHO CODE, TO PROVIDE AN ALTERNATIVE METHOD FOR RECALCULATING THE EXPERIENCE RATING OF BOTH EMPLOYERS, TO PROVIDE A METHOD FOR ESTIMATING THE ALLOCABLE PAYROLL UNDER SPECIFIED CONDITIONS AND TO PROVIDE FACTORS TO BE CONSIDERED BY THE DEPARTMENT OF LABOR TO DETERMINE WHETHER A TRANSFER OF ALL OR A PORTION OF A TRADE OR BUSINESS HAS OCCURRED; AMENDING SECTION 72-1372, IDAHO CODE, TO PROVIDE FOR THE ASSESSMENT OF CERTAIN CIVIL PENALTIES BY THE DEPARTMENT'S DIRECTOR IF A FINDING IS MADE THAT AN EMPLOYER HAS COLLUDED WITH AN EMPLOYEE OR FORMER EMPLOYEE TO FILE A FALSE OR FRAUDULENT CLAIM FOR BENEFITS.

S 1251 **BY COMMERCE AND HUMAN RESOURCES** **COMMITTEE**

AN ACT

RELATING TO REAL ESTATE; AMENDING SECTION 54-2016, IDAHO CODE, TO REVISE THE TIME IN WHICH CERTAIN BROKERS AND BRANCH MANAGERS ARE REQUIRED TO COMPLETE A COMMISSION-APPROVED BUSINESS CONDUCT AND OFFICE OPERATIONS COURSE;

AMENDING SECTION 54-2022, IDAHO CODE, TO REVISE THE TIME IN WHICH CERTAIN LICENSE APPLICANTS ARE REQUIRED TO COMPLETE PRELICENSE REAL ESTATE COURSES, TO REVISE AN EXCEPTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2023, IDAHO CODE, TO REVISE THE TIME IN WHICH A LICENSEE MAY RETAKE CERTAIN COURSES FOR CONTINUING EDUCATION CREDIT AND TO PROVIDE THAT THE REAL ESTATE COMMISSION SHALL DETERMINE WHETHER CERTAIN COURSES ARE WITHIN APPROVED TOPIC AREAS ESTABLISHED BY THE COMMISSION; AMENDING SECTION 54-2027, IDAHO CODE, TO REQUIRE CERTIFIED COURSE PROVIDERS TO CREATE AND RETAIN CERTAIN STUDENT RECORDS FOR A DESIGNATED PERIOD OF TIME; AND AMENDING SECTION 54-2033, IDAHO CODE, TO PROVIDE FOR INSTRUCTOR TEACHING STANDARDS.

S 1252

**BY COMMERCE AND HUMAN RESOURCES
COMMITTEE**

AN ACT

RELATING TO STATE EMPLOYEES; AMENDING SECTION 59-1607, IDAHO CODE, TO REVISE HOW CERTAIN EMPLOYEES ACCRUE AND USE COMPENSATORY TIME, TO PROVIDE LIMITS AND TO PROVIDE EXCEPTIONS; AMENDING SECTION 67-5302, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 67-5328, IDAHO CODE, TO REVISE HOW COMPENSATORY TIME MAY BE ACCRUED AND UTILIZED, TO PROVIDE LIMITS, TO PROVIDE EXCEPTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-5333, IDAHO CODE, TO DELETE REFERENCE TO EARNED ADMINISTRATIVE LEAVE AND TO PROVIDE THAT SICK LEAVE SHALL ONLY BE TAKEN IN PAY PERIODS SUBSEQUENT TO BEING EARNED; AMENDING SECTION 67-5334, IDAHO CODE, TO DELETE REFERENCE TO EARNED ADMINISTRATIVE LEAVE, TO PROVIDE FOR ACCRUAL OF VACATION TIME FOR EMPLOYEES WHO ARE DESIGNATED AS EXEMPT UNDER ANY OTHER COMPLETE EXEMPTION IN FEDERAL LAW AND TO MAKE TECHNICAL CORRECTIONS.

S 1253

**BY COMMERCE AND HUMAN RESOURCES
COMMITTEE**

AN ACT

RELATING TO THE UNIFORM SECURITIES ACT; AMENDING SECTION 30-14-202, IDAHO CODE, TO REVISE EXEMPT TRANSACTIONS; AMENDING SECTION 30-14-412, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 30-14-611, IDAHO CODE, TO DELETE OBSOLETE LANGUAGE.

S 1254

**BY COMMERCE AND HUMAN RESOURCES
COMMITTEE**

AN ACT

RELATING TO THE UNIFORM SECURITIES ACT; AMENDING SECTION 30-14-603, IDAHO CODE, TO PROVIDE ADDITIONAL RELIEF AVAILABLE IN A CIVIL ACTION.

S 1255

**BY COMMERCE AND HUMAN RESOURCES
COMMITTEE**

AN ACT

RELATING TO THE UNIFORM SECURITIES ACT; AMENDING SECTION 30-14-411, IDAHO CODE, TO PROVIDE RECORDKEEPING REQUIREMENTS FOR BROKER-DEALER AGENTS, INVESTMENT ADVISER REPRESENTATIVES, AND PERSONS ISSUING SECURITIES, TO REVISE PROVISIONS RELATING TO AUDITS AND INSPECTIONS AND TO PROVIDE CORRECT REFERENCES; AMENDING SECTION 9-340H, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTIONS 30-14-412 AND 30-14-509, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 30-14-607, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

S 1256

**BY COMMERCE AND HUMAN RESOURCES
COMMITTEE**

AN ACT

RELATING TO THE DEPARTMENT OF LABOR; AMENDING SECTION 72-1333, IDAHO CODE, TO PROVIDE AN EXCEPTION FROM THE MERIT SYSTEM FOR EMPLOYEES OF THE IDAHO CAREER INFORMATION SYSTEM; AND AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1345A, IDAHO CODE, TO PROVIDE FOR THE IDAHO CAREER INFORMATION SYSTEM WITHIN THE DEPARTMENT OF LABOR AND TO PROVIDE FOR THE IDAHO CAREER INFORMATION SYSTEM ACCOUNT.

S 1257

**BY COMMERCE AND HUMAN RESOURCES
COMMITTEE**

AN ACT

RELATING TO REAL ESTATE; AMENDING SECTION 54-2004, IDAHO CODE, TO REVISE A DEFINITION AND TO DEFINE A TERM; AND AMENDING SECTION 54-2020, IDAHO CODE, TO PROVIDE FOR CERTIFICATION AND RECERTIFICATION FEES FOR REAL ESTATE EDUCATION PROVIDERS, INSTRUCTORS AND COURSES.

S 1258

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-308, IDAHO CODE, TO REVISE THE RECEIPT OF PRIMARY BALLOTS IN MAIL BALLOT PRECINCTS; AMENDING SECTION 34-404, IDAHO CODE, TO REVISE REGISTRATION OF ELECTORS; AMENDING SECTION 34-406, IDAHO CODE, TO REMOVE A REFERENCE TO MAIL REGISTRATION FORM, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 34-411, IDAHO CODE, TO REVISE APPLICATION FOR REGISTRATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-411A, IDAHO CODE, TO PROVIDE FOR THE DESIGNATION OR CHANGE OF PARTY AFFILIATION

STATUS; AMENDING SECTION 34-904, IDAHO CODE, TO REVISE PRIMARY ELECTION BALLOTS; AMENDING CHAPTER 9, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-904A, IDAHO CODE, TO SET FORTH PROVISIONS APPLICABLE TO THE ELIGIBILITY TO VOTE IN PRIMARY ELECTIONS; AMENDING SECTION 34-1003, IDAHO CODE, TO REVISE THE ISSUANCE OF ABSENTEE BALLOTS; APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE SECRETARY OF STATE; AND PROVIDING EFFECTIVE DATES.

S 1259
BY MCGEE
AN ACT

RELATING TO ALBERTSON COLLEGE OF IDAHO; AMENDING SECTION 49-418A, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 67-5205, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AND DECLARING AN EMERGENCY.

S 1250, S 1251, S 1252, S 1253, S 1254, S 1255, S 1256, S 1257, S 1258, and S 1259 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:40 a.m. until the hour of 11:30 a.m., Monday, January 14, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary